

## **WV Developmental Disabilities Council**

### **2012 Legislative Statements**

**(Adopted October 25, 2011)**

The West Virginia Developmental Disabilities Council is a federally funded state agency whose mission is to assure that West Virginia citizens with developmental disabilities receive the services, supports, and other forms of assistance they need to exercise self-determination and achieve independence, productivity, integration and inclusion in the community.

Twenty-two of the thirty-two Members of the Council are appointed by the Governor and include individuals with developmental disabilities, family members, and people involved in the provision of services to individuals with developmental disabilities. The remaining ten Members of the Council are Directors of State agencies charged with providing services to individuals with developmental disabilities.

West Virginia citizens with developmental disabilities have many competencies and abilities which go unrecognized and are under-utilized. They are also some of the most vulnerable individuals in our population. The WV DD Council strives to ensure that individuals with developmental disabilities are offered the same opportunities for education, employment, health care, and community supports and services as other citizens enjoy. The Council also works to ensure that the State's service systems provide the necessary supports to families/guardians that include members who have developmental disabilities so that children can grow and prosper in their own homes with services that adequately meet their needs.

The WV Developmental Disabilities Council uses the following values and beliefs when considering legislative issues:

In the area of **EDUCATION**:

**The Council will advocate against the further development of segregated educational settings.** The Council will support legislation that ensures equal opportunities for students with developmental disabilities to be educated in regular education classrooms, in their home school, and in other inclusive educational settings that reflect the following principles:

- All students with developmental disabilities will get a free and appropriate public education, responsive to their individual sensory and learning styles.
- Students with developmental disabilities will not be excluded from regular classes with their non-disabled peers.
- There will be a full implementation of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), and other related disability laws.
- Students with developmental disabilities will be protected against restraints and seclusion, as well as segregation, expulsion, or other inappropriate punishment as a result of uniform discipline policies.
- Educators will be provided more training and technical assistance on inclusive education and diverse learning styles.
- Parents will receive appropriate training and supports so they can advocate effectively on behalf of their child.
- Students with developmental disabilities and their parents will receive additional supports/training and planning at all stages of transition.
- Students with developmental disabilities will have the opportunity to participate in transitional school to work activities, and have access to community adult education and training.
- Students with developmental disabilities will have access to appropriate training and higher education which helps them obtain competitive employment.

In the area of **EMPLOYMENT:**

The Council will support legislation that ensures valued, integrated employment for people with developmental disabilities; with competitive wages; emphasizes full time and part time employment; and reflects the following principles:

- People with developmental disabilities must have health care services available to them when gainfully employed.
- People with developmental disabilities will have improved employment transition planning.
- People with developmental disabilities will have the opportunity to receive job services from the provider of their choice.
- People with developmental disabilities will have the opportunity to participate in customized employment that is based on individualized interest, strengths, and needs; and may include job carving, self-employment, or entrepreneurial initiatives.
- People with developmental disabilities will have the opportunity to participate in supported employment that focuses on a person's abilities. and provides job coaching and other supports the individual needs to be successful on a long-term basis.
- People with developmental disabilities will have the opportunity to access transportation and other employment supports.
- People with developmental disabilities and their families/guardians will have timely access to appeals, grievance mechanisms, and safeguards.
- Support incentives for the WV business community for hiring individuals with developmental disabilities at a competitive wage.

In the area of **COMMUNITY SUPPORTS:**

**The Council will advocate against the further development of segregated, congregate service settings.** The Council will support legislation that invests adequate funding for services that support people with developmental disabilities to live in their own homes and neighborhoods, eliminates the institutional bias, ensures rebalancing of Medicaid and other public funding and reflects the following principles:

- People with developmental disabilities must have supports and services in their home communities where they live, learn, work and play. Those supports and services will be provided by a stable and well trained workforce.
- People with developmental disabilities and their families/guardians will be able to choose who provides service coordination to them.
- People with developmental disabilities and their families/guardians will control and direct the resources available to them.
- People with developmental disabilities will not be forced to live or work in segregated facilities.
- People with developmental disabilities will free from abuse, neglect, and preventable death.
- People with developmental disabilities and their families/guardians will be able access providers that assure personnel are adequately trained and qualified.

### **Full Olmstead Implementation**

The Council will advocate for full implementation of the WV Olmstead Plan as approved by the Governor in October 2005. This is WV's plan to carry out the *Olmstead* decision rendered by the US Supreme Court in June 1999. The decision mandates that people with disabilities have the right to receive state administered services, programs, and activities "in the most integrated settings."

People with disabilities are to be given the opportunity to leave nursing homes, long term care facilities, ICFs/MR, other group homes, and psychiatric hospitals, and to be supported to live integrated lives in communities around the State.

### **Public Funding**

The Council will continue to advocate for the restoration of and increases in State and Federal funding necessary to maintain or enhance critical support services that allow people with developmental disabilities to live, work, and play in the community.

Of particular concern are the following programs and initiatives:

- I/DD Waiver program

- WV DD Family Support program
- Birth to Three program
- Ron Yost Personal Assistance Services Act (RYPAS)
- Aged and Disabled Waiver program
- Independent Living Services
- DRS Long-Term Care program
- TBI/SCI Initiative
- DRS Community-Based Services Development Initiative

The Council supports the re-direction of Medicaid and other funding sources that give individuals with developmental disabilities authority over dollars to be used for their support.

The Council will advocate for customized and individualized supports for those who continue to wait for services.

The Council will advocate for further implementation of the Money Follows the Person initiative and any legislation that supports that initiative.

### **Unserved/Underserved**

The Council supports legislation that strengthens safeguards for people with developmental disabilities who do not qualify for or are being denied Medicaid I/DD Waiver, Aged and Disabled Waiver, and other relevant publicly funded community supports. People with developmental disabilities must be protected from abuse, neglect, and preventable death, and have access to essential services and supports.

### **Behavioral Health Licensure Regulations**

The Council would oppose any changes to the behavioral health licensure rules that would cause persons' private homes to be designated or treated like facilities.

### **Guardianship**

The Council will advocate for clarification of Guardianship laws to permit the pursuit of limited guardianship in all areas of the State.

In the area of **HEALTH:**

The Council will continue to advocate for people with developmental disabilities and their families/guardians to have access to a comprehensive health care system that provides the most appropriate, effective, quality services. The Council supports legislation that promotes a healthier environment, ensures better access to quality health care, and reflects the following principles:

- Publicly funded health insurance programs which include adequate coverage of essential assistive technology, augmentative equipment, preventive and maintenance dental, and hearing and vision services.
- People with developmental disabilities will have adequate and affordable home health care.
- Home and vehicle adaptations will be included as a covered service through the State Medicaid Plan.
- Medical students and other health care professionals will receive information and training specific to developmental disabilities.
- People who acquire brain and spinal cord injuries during their developmental years will receive appropriate medical, psychiatric, training, therapeutic, and social supports.
- The environment will be made safer by the removal or elimination of toxins (such as heavy metals and other chemicals) that are linked to poorer health and the onset of disabilities.

**Protection of Life**

The Council is concerned about the very lives of people who are generally perceived to have a lower social status, particularly those who have developmental disabilities. Therefore, we uphold the principle of applying excellent standards of care for such people. We reject limitations of treatment policies directed at people with impairments. Further, the Council does not support any legislation that seeks to hasten death by medical professionals who would be in a position to judge the value of a person's life by invoking "quality of life" concerns.

**Ventilator Care**

The Council will support legislation intended to allow people with developmental disabilities who need ventilator assisted breathing to be able to receive such services in their homes and communities.

**WV Medication Administration by Unlicensed Personnel Act**

The Council supports improvements to the WV *Medication Administration by Unlicensed Personnel Act* and associated Rules so that people with developmental disabilities can receive the supports they need to keep them safe and healthy while increasing flexibility in the self-administration/direction of medications.